

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 4464 OF 2021

Satyananda Sahoo

***..... Petitioner
Mr. G.K. Mohanty, Advocate***

-versus-

State of Odisha

***..... Opposite Party
Mr. K.K. Gaya, ASC***

CORAM:

JUSTICE V. NARASINGH

ORDER

20.06.2022

I.A. No. 484 of 2022

Order No.

13.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. It is submitted by the learned counsel for the petitioner that with efflux of time, the I.A. has been rendered infructuous.
4. The I.A. is disposed of accordingly.

***(V.Narasingh)
Judge***

I.A. No. 1013 of 2022

Order No.

14.

1. Heard.
2. The petitioner does not want to press this I.A.. Accordingly the I.A is disposed of as not pressed.

***(V.Narasingh)
Judge***

BLAPL No. 4464 of 2021

Order No.

15.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The Petitioner is an accused in connection with C.T. (Special) Case No. 07 of 2021 arising out of Kamakshyanagar Excise Station, Dhenkanal P.R. Case No. 09 of 2021 on the file of learned Judge, Special Court, Dhenkanal, registered for the alleged commission of offence under Sections 20(b)(ii)C of the NDPS Act. The petitioner is in custody since 17.04.2021.
3. Being aggrieved by the rejection of his application for bail U/s 439 Cr.P.C. by the learned Judge, Special Court, Dhenkanal, by order dated 05.05.2021 in C.T. Spl.(NDPS) Case No. 07 of 2021, the present BLAPL has been filed.
4. Learned counsel for the petitioner submits that the contraband was seized from the house of the brother of the petitioner and as such even accepting the entire prosecution case at its face value the conscious and exclusive possession of the contraband cannot be attributed to the petitioner.
5. It is submitted that the petitioner is in custody since 17.04.2021 his further continuance in custody would be punitive.
6. Relying on the documents annexed to the interim application (I.A. 1013 of 2022), it is submitted that the petitioner's wife has to undergo surgery for suspected Carcinoma of Ovary. And accordingly, it is submitted that the petitioner may be released on bail.

7. Learned counsel for the State opposes the prayer for bail inter alia on the ground of the bar enacted under Section-37 of the NDPS Act.

8. Taking note of the submissions of the learned counsel for the petitioner relating to the manner of the seizure, his age and the medical documents indicating that the petitioner's wife is to undergo surgery and that petitioner has not misused the trust reposed in him while being released on interim bail, this Court directs that the petitioner shall be released on bail on such terms to be fixed by the court in seisin of the matter.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per Rules.

Balaram

